

Notice of Allowability

Application No.

10/697,003

Examiner

RICARDO L. OSORIO

Applicant(s)

MIYAGAWA ET AL

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/13/2006.
2. ☒ The allowed claim(s) is/are 4, 7, 10, 11, 14, 18, 19, 22, 26, 27, 31, 36, 37, 40, and 43, now renumbered as 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 10/31/03; 1/23/04.
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____.

DETAILED ACTION

1. Applicant's election without traverse of Species 1, Figs. 3a-3b, claims 4, 7, 10, 11, 14, 18, 19, 22, 26, 27, 31, 36, 37, 40, and 43 in the reply filed on 7/13/2006 is acknowledged.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 1-3, 5, 6, 8, 9, 12, 13, 15-17, 20, 21, 23-25, 28-30, 32-35, 38, 39, 41, 42, and 44.

3. This application is in condition for allowance except for the presence of claims 1-3, 5, 6, 8, 9, 12, 13, 15-17, 20, 21, 23-25, 28-30, 32-35, 38, 39, 41, 42, and 44 directed to species non-elected without traverse. Accordingly, claims 1-3, 5, 6, 8, 9, 12, 13, 15-17, 20, 21, 23-25, 28-30, 32-35, 38, 39, 41, 42, and 44 have been cancelled.

Allowable Subject Matter

4. Claims 4, 7, 10, 11, 14, 18, 19, 22, 26, 27, 31, 36, 37, 40, and 43 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 4, 7, 10, 11, 14, 18, 19, 22, 26, 27, 31, 36, 37, 40, and 43 are allowed since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claims 4, 11, 14, and 26, "an input terminal of the power source voltage controller is connected to second electrodes of the first and second transistors respectively; an output terminal of the power source voltage controller is connected to the electrodes of the first and second light emitting elements". The prior art of record however singularly or in combination fails to anticipate or render the above underlined limitations obvious.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RICARDO OSORIO
PRIMARY EXAMINER

Technology Division: 2629

RLO

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